

Minutes of BPBCA Zoning Commission Regular Meeting - 04/19/24

Date and time: 04/19/24 6:00 PM to: 04/19/24 7:05 PM

Present: Brooke Stevens, Recording Secretary, Jim Ventres, Zoning Enforcement Official, Jim Fox, Chairman, Jim Allen, Secretary, Keith Turner, Alternate, Mike Walsh, Alternate, John Horoho, Regular Member, Absent., Betsy Klemmer, Regular Member, Joseph Katzbek, Regular Member, Jason Bookmiller, Alternate

CC: Arlene Garrow, Zoning Liaison

Location: BPBCA Clubhouse, 6 Sunset Avenue, Niantic, CT, 06357

Link: <https://app.meetingking.com/meetings/413483>

Topics

1. Call to Order

Note Chairman Fox called the Regular Meeting of the Black Point Beach Club Association Zoning Commission to order at 6:00 p.m. and did roll call; a quorum was present. Mr. Walsh and Mr. Turner were seated as Regular Members for the evening.

2. Additions to the Agenda

Note There were none.

3. Approval of Zoning Minutes

3-1. March 15th, 2024, Regular Meeting Minutes

Note see attached.

 [Minutes-of-BPBCA-Zoning-Commission-Regular-Meeting-031524.pdf](#)

Decision Motion (1)

Mr. Allen moved to approve the Meeting Minutes of March 15th, 2024, as submitted.
Mr. Turner seconded the motion.
Motion carried, 5-0-0.

4. Public Comments

Note Public Comments is the time when members of the Black Point Beach Club Association are invited to speak to the Commission about certain matters. Items, referrals, or applications subject to a decision by the Commission, a public hearing or any matters in litigation may not be discussed.

Note Mr. Deknis, Chair of the Zoning Board of Appeals, was in attendance and noted that things are still very quiet, and currently no cases are pending.

5. Reports

5-1. Communications and Correspondence

Note There was none.

5-2. ZEO: Jim Ventres

Note see attached report.

 [ZEO_Report_April_2024_\(1\).xlsx](#)

Note Mr. Ventres reported on ongoing construction activities and the need to sometimes push for plan submissions, highlighting active development in the area despite the high cost of materials.

5-3. BPBCA Board of Governors Ex-Officio

Note Ms. Garrow had nothing to report.

Note Mr. Fox shared with Ms. Garrow that they briefly discussed hedge heights with Mr. Cellino at the previous meeting. He shared with Mr. Cellino, that the Commission hopes the Hedge Heights issue would formally be removed from their purview and moved to the jurisdiction of the Board of Governors, via ordinance.

Note Mr. Fox offered some of the following comments:

Hedge height still sits as a zoning regulation.

Mark Branse, their Land Use Attorney, asked them to suspend any further regulation changes until he could review our current regulations, and advise any legal or format concerns.

Hedge height doesn't really fit as a zoning regulation.

They had planned to amend this regulation in the fall of 2022 but put all amendments on hold while the attorney reviewed and revamped the zoning regulations.

Hedge height should be overseen by the Board of Governors, as an ordinance under public safety.

Note Mr. Fox noted the car accident that occurred recently, on the corner of East Shore and Billow, and they don't want to see anyone in an accident because no action was taken to address the issue.


Note Mr. Ventres pointed out that the issue with hedge height is that it's dynamic; hedges are always growing. He added that some associations prohibit hedges along street lines for that very reason.

Note Mr. Fox noted that he pointed out to Mr. Cellino, that much of their discussion regarding hedge height can be found in the August 19th, 2022, Zoning Commission Minutes; if he recollects correctly, they determined that it was somewhere in the neighborhood of 75 to 80 feet for visibility with a 20 mile an hour or less speed limit.

Note The Commission briefly discussed the current hedge height regulations and the difficulty of enforcement. Mr. Fox recounted how a homeowner previously expressed to him that she doesn't care if the regulations state that her hedges should be lower than they are. He added that this stance is a sign that they need to do something further, and the potential shift of hedge height regulations from zoning to an ordinance might allow for better enforcement.

Task Ms. Stevens directed Ms. Garrow to the August 19th, 2022, Zoning Commission Minutes, specifically page 2. She noted that she will send them to her so they can be reviewed by the Board of Governors.

Owned by *Recording Secretary* due 04/21/24

 [286032-261704-Minutes-of-Black-Point-Beach-Club-Zoning-Commission-Regular-Meeting-08_19_22-4f6e46cbc98c2652514b856c8bb84adace1efa23.pdf](#)

5-4. Chairman: Jim Fox

Note Mr. Fox repeated some of the same sentiments he expressed previously, he hopes the Board of Governors moves quickly and adopt something prior to the summer, since this is a matter of public safety.

6. Old Business- Review & Discussion of Current Zoning Regulations

6-1. Review of Accessory Apartments paved driveways.

Note This topic was already addressed.

6-2. Discussion of different regulations for the third BPBCA District- "Association Property."

Note The Commission discussed the regulations for the Association District, and Mr. Fox wondered whether the regulations should be the same as the residential regulations, more restrictive, or less restrictive? And should setbacks be different?

Note Mr. Horoho said the intent behind creating the association district was to preserve the area for future generations, potentially by restricting the ability to subdivide and develop the land further, so it's not appropriate to mirror the residential regulations.

Note The Commission had a discussion about creating and modifying regulations for an Association District, focusing on what is permitted, especially regarding accessory buildings and setbacks.

Note The Commission debated how restrictive setback requirements should be for accessory buildings in the Association District compared to residential areas, and there was consideration of changing the lot coverage rules in the Association District to prevent excessive building and maintain aesthetics.

Note There was discussion on the appropriate use and placement of accessory buildings like garages and sheds, including how close they can be to property lines, and exploration of what constitutes an 'attached' structure, such as garages, and how this affects regulations and zoning enforcement.

Note Mr. Fox emphasized that the first step was to establish the Association District, and now comes the need for clear and definitive regulations to aid in enforcement and reduce subjective interpretations by zoning officers.

Note The Commission briefly discussed concerns about accessory buildings being used as separate dwelling units, which could complicate zoning and family dwelling regulations.

Note Mr. Ventres noted an exclusion for sheds needs to be put in and Mr. Horoho said considering different setbacks for the Association properties could also ensure neighborliness.

Note Mr. Horoho said he would be in support of more restrictive setbacks than in the residential zones, but that the number of accessory buildings- be it garages, sheds, and so forth should be limited.

Note Mr. Ventres asked if they want to say that no accessory building can be any closer than 20 ft from the property line?

Note Mr. Horoho asked if the lot coverage should also be changed for the Association District?

Note Mr. Ventres said they could say that lot coverage for this new district is 15%, or even 10%, like most lots are, and if people would like more, they can go before the ZBA.

Note Mr. Ventres further added that a detached garage can only cover 10% of the property in a residential zone, so they could fold the regulation into that.

Note Mr. Fox asked about the impact of height on views and Mr. Ventres replied that they already have mean roof height as part of the regulations.

Note Mr. Ventres said he will write up a draft so they can better absorb it, review it, and edit it.

6-3. Discussion regarding prohibiting Metal Buildings

Note The Commission discussed metal buildings, pods, shipping containers, and sheds, the current trend of making mini homes out of them, and how they don't want to see this as a permitted practice in Black Point. Mr. Fox said these structures could be prohibited on residential properties for occupancy or storage and could also not be permitted to be used as a primary or accessory dwelling.

Note Mr. Walsh asked about the use of storage pods and Mr. Ventres clarified that a pod permit, when needed for construction purposes, is for 6 months.

6-4. Discussion regarding definition of Detached Garages.

Note Mr. Fox said in the past there's been some conversations around detached garages and what's considered detached. He added that long before he moved here there was a famous lawsuit that involved one of their community members, who took to the Black Point Beach Club to court. He thinks it's much easier for them to have a definition or regulation regarding what is considered, an attached garage.

Note Mr. Ventres replied that their regulation is covered under accessory, buildings or structures. The last sentence, "any accessory building physically attached to a principal building, shall be deemed part of such principal building," and then "under building, any structure having roof intended for shelter, housing, enclosures, or persons, animals, materials, connection of two or more buildings by means of a porch, breezeway, carport, or other roof structure, shall be deemed to make them one building."

Note Mr. Fox observed that in their regulations the garage is considered attached because of the roof, and Mr. Ventres pointed out that the garage cannot be habitable space unless it's approved as an accessory unit.

Note Mr. Fox said in his mind a structure is attached if it shares a wall.

Note Mr. Fox shared that he consulted with Bill Mulholland, the Zoning Enforcement Officer for East Lyme, about this matter and there seems to be a lot of flexibility and ambiguity in their regulations as well.

Note Mr. Ventres said he can write a potential regulation that it has to be connected to habitable space throughout.

Note Mr. Fox asked if Mr. Ventres feels the attached garage definition is fine the way it is, or if he agrees the garage should share a wall in order to be attached?

Note Mr. Ventres said if you take out the subjective part of the regulations, it's a lot easier to enforce. He said he will consult the International Building Code and see what they declare, and then they can revisit this item.

6-5. Review Annual Meeting reminder to Association members regarding Short-Term Rental Rules.

Note The Commission had a discussion about preparing and sending out mailers for the annual meeting, which includes reminders about short-term rentals. The Commission also noted that they could utilize the Black Pointer for additional reminders as well.

7. New Business- Review of current Zoning Regulations

7-1. Review of Walls, Fences & Hedges

Note The Commission reviewed current fence regulations and discussed height restrictions and the possibility of new regulations to maintain neighborhood aesthetics and safety.

Mr. Fox said although hedges should fall under the purview of the Board of Governors, fences are still part of their jurisdiction, and the current regulation restricts fence height to 6 ft.

Note Mr. Ventres shared that Crescent Beach has a regulation that fences can be no higher than 42 inches in front, and their intent was to retain the view of historic structures. He added that Giants Neck Beach only allows a certain percentage of the property to be fenced.

Note Mr. Fox said there are already a lot of existing fencing but for the future they could limit height and type for anything forward of the house. Mr. Ventres noted there are regulations out there saying it has to have 50% transparency, which would be picket fences, lattice, and materials along those lines.

Note Mr. Fox asked if they should say no higher than 36 inches in case, you're on an intersection?

Note Mr. Horoho said it needs to be consistent, forward to the front of the house. He noted they need to ensure consistency in regulations concerning fences at intersections and general property lines to avoid conflicts and maintain clear guidelines.

Note Mr. Turner and Mr. Walsh brought up lot corners and Mr. Fox replied that forward of the house encompasses the sides as well.

Note Mr. Fox discussed how if the Board of Governors creates a hedge height ordinance, they can match it with the fence regulations.

Note Mr. Ventres observed that 36 inches would be better, and Mr. Fox said that since the current regulation covers walls, fences, and hedges, 36 inches could be the placeholder.

8. Adjournment

Note The next regularly scheduled meeting is scheduled for May 17th, 2024.

Decision MOTION (2)

Mr. Allen moved to adjourn the April 19th, 2024, Regular Meeting of the BPBCA Zoning Commission at 7:05 p.m.

Mr. Turner seconded the motion.

Motion carried, 5-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary

Task Summary

New Tasks

Task Ms. Stevens directed Ms. Garrow to the August 19th, 2022, Zoning Commission Minutes, specifically page 2. She noted that she will send them to her so they can be reviewed by the Board of Governors.

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